United Nations S/2003/1177

Security Council

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Draft resolution

The Security Council,

Reaffirming its previous resolutions concerning the situation in Somalia, in particular resolution 733 (1992) of 23 January 1992, which established an embargo on all delivery of weapons and military equipment to Somalia (hereinafter referred to as the "arms embargo"), resolution 1356 (2001) of 19 June 2001, resolution 1407 (2002) of 3 May 2002, resolution 1425 (2002) of 22 July 2002, resolution 1474 (2003) of 8 April 2003, and the statements of its President of 12 March 2003 (S/PRST/2003/2), and of 11 November 2003 (S/PRST/2003/19),

Reiterating its firm support for the Somali National Reconciliation Process and the ongoing Somali National Reconciliation Conference, *commending* the efforts of Kenya as the host of the Conference sponsored by the Intergovernmental Authority on Development (IGAD), and *reaffirming* the importance of the sovereignty, territorial integrity, political independence and unity of Somalia, consistent with the purposes and principles of the Charter of the United Nations,

Reiterating its insistence that all States, in particular those of the region, should not interfere in the internal affairs of Somalia. Such interference only further destabilizes Somalia, contributes to a climate of fear and impacts adversely on human rights, and could jeopardize the sovereignty, territorial integrity, political independence and unity of Somalia. Stressing that the territory of Somalia should not be used to undermine stability in the subregion,

Reiterating its serious concern over the continued flow of weapons and ammunition supplies to and through Somalia from sources outside the country, in contravention of the arms embargo, bearing in mind that the Somali National Reconciliation Process and the implementation of the arms embargo serve as mutually reinforcing processes,

Having considered the report of the Panel of Experts dated 4 November 2003 (S/2003/1035) submitted pursuant to paragraph 7 of resolution 1474 (2003),

Welcoming the mission of the Committee established pursuant to resolution 751 (1992) of 24 April 1992 (hereinafter referred to as "the Committee"), led by the Chairman of the Committee, to the States in the region from 11 to 21 November 2003 as a step towards giving full effect to the arms embargo,

Reiterating the importance of improving the implementation and enhancing the monitoring of the arms embargo in Somalia through persistent and vigilant

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investigation into violations of the arms embargo, and expressing its determination of holding those violators accountable,

Determining that the situation in Somalia constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Stresses* the obligation of all States and other actors to comply fully with resolution 733 (1992) and resolution 1356 (2001), and reaffirms that non-compliance constitutes a violation of the provisions of the Charter of the United Nations;

2. *Requests* the Secretary-General to establish a monitoring group (hereinafter referred to as the "Monitoring Group") composed of up to four experts, for a period of 6 months commencing as soon as possible from the date of the adoption of the resolution, to be based in Nairobi, with the following mandate, which should focus on the ongoing arms embargo violations, including transfers of ammunition, single use weapons, and small arms:

(a) to investigate the violations of the arms embargo covering access to Somalia by land, air and sea;

(b) to detail information and make specific recommendations in relevant areas of expertise related to violations and measures to give effect to and strengthen the implementation of the arms embargo in its various aspects;

(c) to carry out field based investigations in Somalia, where possible, and in States neighbouring Somalia and other States, as appropriate;

(d) to assess the progress made by the States in the region to implement fully the arms embargo, including through a review of national customs and border control regimes;

(e) to provide the Committee in its final report with a draft list of those who continue to violate the arms embargo inside and outside Somalia, and their active supporters, for possible future measures by the Council;

(f) to make recommendations based on its investigations and the previous reports of the Panel of Experts (S/2003/223 and S/2003/1035) appointed pursuant to resolution 1425 (2002) and 1474 (2003);

3. *Further requests* the Secretary-General to make the necessary financial arrangements to support the work of the Monitoring Group;

4. *Requests* all Somali and regional parties as well as government officials and other actors contacted outside the region to cooperate fully with the Monitoring Group in the discharge of its mandate, and requests the Monitoring Group to notify the Security Council immediately, through the Committee, of any lack of cooperation;

5. *Calls upon* all States in the region and regional organizations, in particular the IGAD, the African Union (AU), and the League of Arab States (LAS), to establish focal points to enhance cooperation with the Monitoring Group and to facilitate information exchange;

6. *Requests* the Monitoring Group to provide a mid-term briefing to the Council, through the Committee, and to submit a final report at the end of its mandated period to the Security Council, through the Committee, for its consideration;

7. *Encourages* all States signatories to the Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons to implement quickly the measures required by the Coordinated Agenda for Action as an important means in support of the arms embargo on Somalia;

8. *Calls on* the neighbouring States to report to the Committee quarterly on their efforts to implement the arms embargo, bearing in mind their crucial role in the implementation of the arms embargo;

9. *Encourages* the donor community, including the IGAD Partner Forum group, to provide technical and material assistance to States in the region, as well as to the regional organizations, IGAD, AU and LAS, in support of their national and regional capacity for monitoring and implementing the arms embargo, including for monitoring the coastline, land and air boundaries with Somalia;

10. *Encourages* Member States from the region to continue their efforts in enacting legislation or regulations, necessary to ensure the effective implementation of the arms embargo;

11. *Expresses* its determination to review the situation regarding the implementation of the arms embargo in Somalia on the basis of information provided by the Monitoring Group in its reports;

12. *Decides* to remain actively seized of the matter.